

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QUNTIUS SAUNDERS,

Petitioner,

Civil No. 2:11-CV-14863
HONORABLE ARTHUR J. TARNOW

v.

KEN ROMANOWSKI,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION [dkt. #18]

On May 9, 2013, the court denied Petitioner a writ of habeas corpus, in part finding that the state court adjudication of his confrontation claim was not unreasonable. The Court, however, granted a certificate of appealability to Petitioner on this claim. Respondent now moves for reconsideration of the order granting the certificate of appealability. For the reasons stated below, the court will deny the motion.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Respondent argues that a certificate of appealability should have been denied because the second complainant's statements to police about being similarly robbed by Petitioner were exactly the type of statements that are admissible under *Michigan v. Bryant*, 131 S. Ct. 1143 (2011), as statements regarding an ongoing emergency. *Bryant* was decided barely two years ago and involved a discrete set of facts. Not all reasonable jurists could possibly yet agree on the scope of its holding and the myriad different factual permutations to which it may or may not apply. Respondent has not demonstrated a palpable defect by which the court and the parties have been misled or shown that a different disposition of the case must result from a correction thereof.

Accordingly, **IT IS ORDERED** that Respondent's "Motion For Reconsideration" [Dkt. # 18] is **DENIED**.

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: July 19, 2013

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on July 19, 2013, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Assistant